

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5073 of 2026

Arising Out of PS. Case No.-45 Year-2025 Thana- Basmatia District- Araria

Bhagat Choudhary Son of Tej Narayan Choudhary Resident of Village-
Bharol, Ward No. 6, P.S.- Chakraghati, District- Sunsari (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 8(c)/21(b) of the NDPS Act.

3. The case of the prosecution is that from the pocket of this petitioner, altogether 15 grams of brown sugar was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that there is no independent witness of the seizure list rather they are police personnel. Police has not complied either Section 50 of the NDPS Act or Section 105 of B.N.S.S while preparing seizure. It



has further been submitted that the contraband which is alleged to have been recovered from the possession of this petitioner is though more than small quantity but is much less than commercial quantity as per NDPS Act. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 07.09.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Basmatiya P.S. Case No. 45 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum the Special Judge, NDPS Act, Araria.

(Ashok Kumar Pandey, J)

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